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Dated April 4, 2008

Signature: 

(Rory P. Pfeiffer)

Docket No.: 101328-243
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James C. Weaver et al.

Application No.: 10/800,587

Confirmation No.: 1652

Filed: March 15, 2004

Art Unit: 1652

For: MICROSCISSION PROCESSES AND
PROCEDURES

Examiner: Bhisma Mehta

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Dear Sir:

In the Office Action mailed from the Patent Office on February 15, 2008, the Examiner required election of one of the following two (2) patentably distinct groups:

**Group I: claims 1-25, drawn to a method of modifying or manipulating
body tissue by forming at least one microconduit;**

Group II: claims 26 and 27, drawn to a mask.

Applicants hereby elect Group I (claims 1-25, drawn to a method of modifying or manipulating body tissue by forming at least one microconduit) without traverse.

The Examiner further requires election of a single species from the following species:

**Species A: extracting an analyte from the body tissue by removing the analyte
from the tissue through the microconduit;**

- Species B: forming a molecular matrix within at least one microconduit in body tissue by directing a molecular matrix into the microconduit;
- Species C: making at least one biopotential measurement across the body tissue by placing at least two electrodes in electrical connection with the body tissue with at least one electrode at the microconduit; and making a biopotential measurement across the electrodes;
- Species D: delivering at least one stored molecule to the body tissue by storing the molecule in at least one puncturable capsule in proximity to at least one microconduit;
- Species E: reducing pressure caused by a pool of blood beneath an injured or traumatized portion of body tissue by releasing the pressure through the microconduit;
- Species F: piercing the body tissue for a decorative purpose by inserting at least one wire through one or more microconduits;
- Species G: marking the body tissue with at least one identifying mark or at least one decorative mark by directing a dye or an ink into at least one microconduit;
- Species H: treating an infection below the surface of the body tissue by administering at least one therapeutic molecule or ion by directing the therapeutic molecule or ion into at least one microconduit, thereby delivering the therapeutic molecule or ion through the surface of the body tissue;**
- Species I: removing hair from surface of the body tissue by forming one or more microconduits at or near the hair follicles on the body tissue, followed by washing with water, thereby removing the hair from the body tissue;

Species J: implanting hair into the surface of the body tissue by forming one or more microconduits having a diameter and depth sufficient to serve as a new hair follicle on the body tissue, followed by implantation of a live hair follicle into the microconduits.

Applicants hereby elect Species H with traverse (treating an infection below the surface of the body tissue by administering at least one therapeutic molecule or ion by directing the therapeutic molecule or ion into at least one microconduit, thereby delivering the therapeutic molecule or ion through the surface of the body tissue). The claims readable on this species are claims 1, 2, 21, and 22. Claims 1 and 2 are generic to all identified species.

Reconsideration and withdrawal of the restriction requirement between species A through J is requested because pending claim 1 is narrower than previously allowed claim 1 of the parent patent, U.S. Patent No. 6,706,023 of Weaver et al. (the "'023 patent"). Claim 1 of the '023 patent is likewise directed to a method for forming at least one microconduit in a tissue and includes each of the three steps of current independent claim 1.

Current independent claim 1 differs in that it recites a number of different uses for the claimed method, i.e., the ten species recited by the Examiner. Because a broader generic claim has already issued in the '023 patent, each of the species of current independent claim 1 is directed to allowable subject matter.

Accordingly, allowance of claim 1, as well as claims 2-25 which depend therefrom, is requested.

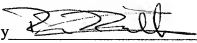
Also submitted is a request for a three-month extension of time and the required fee. If any additional fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101328-243, Customer No. 021125.

Applicants invite the Examiner to call the undersigned if there are any questions regarding the above election.

Appl. No. 10/800,587

Dated: April 4, 2008

Respectfully submitted,

By 

Rory P. Pfeiffer

Registration No.: 59,659

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2879

(617) 310-9879

Attorney for Applicants

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